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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,461	02/28/2002	Ki Cheong Yeung	016660-116	4990

7590 10/17/2003

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EXAMINER

RINEHART, KENNETH

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 10/17/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,461

Applicant(s)

YEUNG, KI CHEONG

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,11-15,19,20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-8,11-15,19,20 and 23-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,11-15,19,20 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 25, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Russo. Russo shows a body (52, fig. 1) defining a passageway with at least first and second openings (fig. 1), a connector for connecting said accessory to a hair dryer at said first opening (60, fig. 3) and at least one retainer adapted to retain a substrate in said passageway adjacent said second opening (70, 44, fig. 3), wherein said substrate is refillable with an oil based scented medium (col. 1, line 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8, 14, 15, 19, 23, 24, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo. Russo discloses a body (52, fig. 1) defining a passageway with at least first and second openings (fig. 1), a connector for connecting said accessory to a hair dryer at said first opening (60, fig. 3) and at least one retainer adapted to retain a substrate in said passageway adjacent said second opening or at least one retainer retaining a substrate in said

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passageway adjacent said second opening (70, 44, fig. 3), said substrate is refillable with a scented medium (fig. 3, fig. 8), and receiving an oil based scented medium, aromatic oil (col. 1, line 33), each of said first and second openings is at a respective longitudinal end of said body (fig. 1), said body is connectable to a front end of said of said hair dryer, said body of said accessory is irremovably connectable to said hair dryer by... (fig. 1), said scented medium is evaporable at an elevated temperature, said scented medium is evaporable when air heated by heating means of said hair dryer passes through said passageway (col. 1, line 33), a hair dryer comprising an accessory as claimed in claim 1 (fig. 1), each of said first and second openings is at a respective longitudinal end of said body (fig. 1). Russo discloses applicant's invention substantially as claimed with the exception of said substrate is made of a material selected from a group including ceramics and sponge, said body is adapted to be removably connectable to said hair dryer by ... (fig. 1), Russo discloses applicant's invention substantially as claimed with the exception of clipping snapping or screw fitting, said substrate is made of a material selected from a group including ceramics and sponge, said substrate is adapted to withstand a temperatures of at least 45 degrees C, said retainer is arranged at or adjacent to said second opening in said body. It would have been an obvious matter of design choice to modify Russo to provide said substrate is made of a material selected from a group including ceramics and sponge, since applicant has not disclosed that the material of the substrate solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the material of Russo will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to modify Russo to provide said substrate is adapted to

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withstand a temperatures of at least 45 degrees C, since applicant has not disclosed that the ability of the substrate to withstand a temperature solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the substrate of Russo will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to modify Russo to provide clipping, snapping or screw fitting, since applicant has not disclosed that the type of fragrance solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the means of attachment of Russo will perform the invention as claimed by the applicant.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/1/03 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722.

The examiner can normally be reached on 7:30-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

KBR



Kenneth Rinehart

Patent Examiner

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